

**City Council Regular Session  
June 12, 2023**

The City Council of the City of Elizabeth City met in regular session on Monday, June 12, 2023 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor E. Kirk Rivers  
Mayor Pro Tem Kem Spence  
Councilman Johnson Biggs  
Councilman Joe Peel  
Councilwoman Rose Whitehurst  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter

MEMBERS ABSENT: Councilman Jarvis Gibbs  
Councilman Johnnie Walton

OTHERS PRESENT: City Manager Montre' Freeman  
City Attorney Bill Morgan  
Electric Superintendent Donnell White  
Chief of Police J. Phillip Webster  
Deputy Chief of Police James Avens  
Human Resources Director Montique McClary  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
Finance Director Alicia Steward  
Assistant Finance Director Brian Lewis  
Interim Community Development Director Reggie Goodson  
Public Utilities Director Dwan Bell  
Parks and Recreation Director Sean Clark  
Grants Management Specialist Jon Hawley  
IT Director Matthew Simpson  
IT Systems Analyst Pedro Holley II  
City Clerk April Onley

The City Council regular session was called to order by Mayor Kirk Rivers at 7:00 p.m. Mayor Rivers welcomed everyone to the meeting and recognized Councilwoman Whitehurst to provide the invocation, after which Councilman Biggs led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Rivers requested the Council's pleasure regarding approval of the prepared agenda.

Councilman Biggs requested a closed session for personnel as allowed by NCGS 143-418.11(a)(6). Councilman Peel indicated there were three budget amendments on the dais that they would need to add. Mayor Rivers suggested they be added on the Regular Agenda as 9(a) and then subsections below.

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to approve the agenda as amended. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.**

**2. Mayoral Recognition:**

**a. Northeastern High School Track Team;**

Mayor Rivers recognized the track state champions to come forward so he could present them each with mayoral certificates. He explained the state championships had been held in May in Greensboro and NHS had won both gold and silver. Mayor Rivers noted that we have talent, but he also wanted to recognize the coaches who worked with the talent. Mayor Rivers advised that the team would be traveling to Philadelphia to compete at the next level. He encouraged citizens to make a donation toward helping the team travel. He recognized the three-time

Olympic gold medalist, LaShawn Merritt who would be helping put on a track camp next week. Coach Nixon thanked the Council and said they were all about the kids and they hoped to help them get to nationals. He encouraged the community to give to their trip if they could. Coach Johnson said they'd be taking donations through Omega Psi Phi fraternity and via cash app at RivercityeliteTC. He noted they have to run under a track club because it's outside of the normal season and this is how they sponsor the students' trip. There will be a track camp next Wednesday at River Road, which will be free to the youth in the community. Mr. Merritt thanked the Council for inviting him. He noted he was in charge of the Olympic Hershey Walk/Run/Jump day. It was originally just for Virginia, but he thought of Elizabeth City as he had family here. He also said he planned on bringing a speed camp here in a few months because he saw that we had champions here. He felt it was wonderful that we had the city supporting these kids. He stated the kids had championship character, which was part of why they won. He said he didn't have a lot of support in high school and people telling him they were behind him, and the more exposure and recognition the kids have, the more they can achieve.

Mayor Rivers said they would continue to recognize the positive things happening in our city, including recognizing our champions.

**b. Potato Festival – Committee and ECDI;**

Mayor Rivers stated that the NC Potato Festival was a signature event in Elizabeth City and this past year had been better than ever. People enjoyed themselves from the entertainment, to the opening ceremonies, to the Sunday service. The Potato Festival committee had done a fantastic job in putting on a world class event and he wanted to recognize them for their efforts. He understood that it took hundreds of volunteers and volunteers were what put the Potato Festival on year after year. He was proud to say he was the mayor of such a great city that put on such a great event. He presented a certificate of recognition to both the NC Potato Festival Committee as well as ECDI.

**c. Public Works Department;**

Mayor Rivers explained that he was recognizing the Public Works Department this month in honor of their cook-off. Public Works had challenged Parks and Rec in a cook-off and Public Works came out on top.

**3. Comments from the Public:**

There were no public comments.

**4. Approval of Minutes:**

**a. Consideration – Approve May 22, 2023 Budget Work Session Minutes;**

Motion was made by Councilman Joseph Peel, seconded by Councilman Johnson Biggs to approve the minutes with any necessary corrections. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

**b. Consideration – Approve May 22, 2023 Regular Session Minutes;**

Motion was made by Councilman Johnson Biggs, seconded by Councilman Joseph Peel to approve the minutes with any necessary corrections. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

**c. Consideration – Approve May 30, 2023 Budget Work Session Minutes;**

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to approve the minute with any necessary corrections. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

**d. Consideration – Approve June 5, 2023 Budget Work Session Minutes;**

## 5. Consent Agenda:

**a. Consideration – Approve Budget Amendment for PB Mares;**

**BE IT  
ORDAINED**

## SECTION I.

Account #	Department / Account Title		Decrease	Increase
10-4400-0400	Finance - Professional Services			\$ 133,250.00
10-6600-4300	Down Town Improvement Grant			\$ 60,000.00
10-6600-7003	Inland Tanglewood Pkwy			\$ 64,824.00
<b>Total</b>			\$ -	\$ 258,074.00

## Section II.


Account #	Department/Account Title		Decrease	Increase
10-3930-6300	Transfer from Aviation Park			\$ 258,074.00
<b>Total</b>			\$ -	\$ 258,074.00

E. Kirk  
Rivers  
Mayor

Attest:

April Onley, NCCMC  
City Clerk

b. Consideration – Approve Budget Amendment for Old Oak Grove;



AGENDA ITEMS		Council Meeting Date:
Reference No.	2023.06.12	Monday, June 12, 2023
Department:	Finance	
Fund Number/Department Number:	10-4400, 10-6200	Public Hearing:
		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
BACKGROUND: Occasionally, budget amendments are needed after the initial budget is adopted by the City Council in June for the following fiscal year. These amendments are necessary for a variety of reasons - to carry forward projects that were approved in the prior year; but, were not foreseen and previously budgeted; for increases in costs that were estimated in the budget at a lower amount; and for increases in revenue that were estimated in the budget at a lower amount.		
Financial Impact: <input checked="" type="checkbox"/> One Time <input type="checkbox"/> Recurring		
Comments		
Analysis: The City has received additional revenue for Property taxes and funds for completion of the Old Oak Grove Cemetery grant approved by council on November 8,2021.  Therefore, this amendment will correct over-expended departmental budgets in the Cemetery line item and the Finance department line item for Fiscal Year 2022-2023.		
Department Head Recommendation: By motion, approve the attached General Fund budget amendment to modify the appropriation of funds		
Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Reviewed by:		
Department Head: <u><i>Alvin Stewart</i></u> Date: <u>6/7/23</u> Finance Officer: <u><i>Alvin Stewart</i></u> Date: <u>6/7/23</u> City Manager: _____ Date: _____		<div>FINANCE DEPT OFFICE USE</div> <div><input checked="" type="radio"/> Recommend for Approval</div> <div><input type="radio"/> Do not recommend</div>

c. Consideration – Award of FY 2023-2024 Chemical Purchase Contracts;

Mayor Rivers requested the Council’s pleasure on the Consent Agenda.

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to approve the consent agenda. Those voting in favor of the motion

were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

6. Regular Agenda:

a. **Approve Added Budget Amendments** *(Added During Agenda Adjustments);*

Manager Freeman advised there were three separate amendments being added tonight, the first of which is to draw down funds for the purchase of five police vehicles. We have received the vehicles and the loan was approved in a prior year. The second amendment is for revenue received from Sentara Hospital construction. The third is for additional revenue received through FY 2022-2023 from various sources. Attorney Morgan suggested they vote on the amendments one at a time.

**Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to approve the budget amendment for additional revenue. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.**

AMENDMENT TO FISCAL YEAR 2023 BUDGET ORDINANCE  
CITY OF ELIZABETH CITY

**BE IT ORDAINED** by the City Council of the City of Elizabeth City, North Carolina:

**SECTION I.** To amend the Budget Ordinance for Fiscal Year 2023, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
10-6200-2500	Parks & Rec: Special Events		\$ 39,900.00
10-6200-1510	Parks & Rec: Maint. & Repair: Grounds		\$ 7,150.00
10-6200-2500	Parks & Rec: Special Events		\$ 26,995.00
10-6210-1510	Parks & Rec: Maint. & Repair: Grounds		\$ 50,000.00
Total		\$ -	\$ 124,045.00
Total change in Expenses		\$	124,045.00

**Section II.** To amend Fiscal Year 2023 Budget Ordinance, the estimated revenues are to be changed as follows:

Account #	Department/Account Title	Decrease	Increase
10-3021-2021	Delinquent DMV Tax Advelorem (2021)		\$ 39,900.00
10-3220-0051	Parks & Rec Donation		\$ 7,150.00
10-3500-6220	Recreation Fees (Development)		\$ 26,995.00
10-3990-0000	Fund Balance Appropriated (T-Mobile Grant)		\$ 50,000.00
Total		\$ -	\$ 124,045.00
Total change to Revenues		\$	124,045.00

These Amendments will correct the over-expended departmental Budgets for Fiscal Year 2022-2023

ADOPTED, this 12th day of June,2023

Attest:

E. Kirk Rivers,

Mayor

April Onley, NCCMC

City Clerk

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilman Joseph Peel to approve the budget amendment for Sentara Hospital construction. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

AMENDMENT TO FISCAL YEAR 2023 BUDGET ORDINANCE  
CITY OF ELIZABETH CITY

BE IT  
ORDAINED       by the City Council of the City of Elizabeth City, North Carolina:

SECTION I.       To amend the Budget Ordinance for Fiscal Year 2023, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
1048000200	Code Enforcement: Salaries & Wages		\$ 200,000.00
10-4800-4500	Code Enforcement: Contracted Services		\$ 100,000.00
10-4900-4500	Community Development: Contracted Services		\$ 100,000.00
10-5400-0200	Building Inspections: Salaries & Wages		\$ 225,000.00
10-5400-4500	Building Inspections: Contracted Services		\$ 100,000.00
10-5400-4600	Building Inspections: Housing Demolitions		\$ 85,000.00
Total		\$ -	\$ 810,000.00
Total change in Expenses		\$	810,000.00

Section II.       To amend Fiscal Year 2023 Budget Ordinance, the estimated revenues are to be changed as follows:

Account #	Department/Account Title	Decrease	Increase
10-3550-0000	Building Permit Fees		\$ 700,000.00
10-5570-0010	Plumbing Inspection Fees		\$ 110,000.00
Total		\$ -	\$ 810,000.00
Total change to Revenues		\$	810,000.00

These amendments will appropriate the additional revenues received throughout fiscal year 2022-2023

ADOPTED, this 12th day of June,2023

Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to approve the budget amendment for police vehicles. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.

AMENDMENT TO FISCAL YEAR 2023 BUDGET ORDINANCE  
CITY OF ELIZABETH CITY

BE IT  
ORDAINED by the City Council of the City of Elizabeth City, North Carolina:

SECTION I. To amend the Budget Ordinance for Fiscal Year 2023, the appropriations are to be changed as follows:

Account #	Department / Account Title	Decrease	Increase
10-5100-7400	Police: Capital Outlay		\$ 177,268.00
Total		\$ -	\$ 177,268.00
Total change in Expenses		\$	177,268.00

Section II. To amend Fiscal Year 2023 Budget Ordinance, the estimated revenues are to be changed as follows:

Account #	Department/Account Title	Decrease	Increase
10-3980-0000	Other Financing Source Townebank Draw Down)		\$ 177,268.00
Total		\$ -	\$ 177,268.00
Total change to Revenues		\$	177,268.00

These amendments will appropriate funds for the purchase of police vehicles.

ADOPTED, this 12th day of June,2023

Attest:

E. Kirk Rivers,  
Mayor

April Onley, NCCMC  
City Clerk

b. Consideration – Joint Appointment to the ABC Board (By Motion and ROLL CALL Vote);

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to recommend Antonio Moore to the Pasquotank County Commissioners as the joint ABC Commission appointee. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. A roll call vote followed, which yielded the same results. Motion carried.**

**c. Consideration – TDA Request and Authorization for Painting on City-Owned Property;**

Manager Freeman explained that this item was a request for TDA funding to paint a mural of Max Roach, a legendary percussionist. He provided a brief overview on Max Roach's legacy. He noted that January 10, 2024 was the 100<sup>th</sup> anniversary of Mr. Roach's birth and he would be honored by the Museum of the Albemarle and ECSU. The ask is for both the City and County to supply funding from TDA for this venture in the amount of \$7,500 each for a total cost of \$15,000.

**Motion was made by Councilman Joseph Peel, seconded by Mayor Pro Tem Kem Spence to approve the application to TDA and authorize painting on City-owned property.**

Councilman Biggs noted that we're seeing a lot of murals that cities are doing across NC. There's been a lot done with public art to help beautify downtown. He'd like to see us doing things like this in other areas as well. He suggested something possibly being placed on the ECDI building in the future to dress up that backdrop. He thought it was great that more public art is beginning to pop up. Mayor Pro Tem Spence said he personally knew Mr. Roach. His brother raised his mother, so this was personal for him as he'd known him as an uncle. Mayor Rivers said we should encourage and expand beyond downtown. He suggested we attempt doing a partnership with some of the different schools for maybe the police building in the Hugh Cale area. It shows community pride and if we bring more art in, it makes it beautiful. He noted that people also travel to see artists and reminded the Council of Art Splash, which happens each year in October.

**Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.**

**d. Consideration – Call for a Public Hearing – FY 2023-2024 Budget;**

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton to call for a public hearing on Monday, June 26, 2023 at the 7:00 p.m. Regular Session of the City Council directly following the public comment period. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.**

**7. Closed Session – As Allowed by NCGS 143-318.11(a)(3) Consultation with City Attorney and NCGS 143-318.11(a)(6) Personnel (Added During Agenda Adjustments);**

**Motion to enter closed session as allowed by NCGS 143-318-11(a)(3) and NCGS 143-318-11(a)(6) was made by Councilman Joseph Peel, seconded by Councilwoman Rose Whitehurst at 7:46 p.m. Those voting in favor of the motion were: Biggs, Peel, Whitehurst, Spence, Felton and Baxter. Against: None. Motion carried.**

Mayor Rivers advised there would be a brief recess while the general public cleared out of Chambers.

The Council returned to open session at 10:20 p.m.

**8. Adjournment:**

Having no further business to be discussed, Mayor Rivers adjourned the meeting at 10:21 p.m.



E. Kirk Rivers  
Mayor

April Onley, NCCMC  
City Clerk

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